

REMARKS

Claims 11, 14, 21-25 and 27-32 are pending in the present application.

Claims 11 and 27-32 have been amended to specify that the claimed composition comprises decharacterized cranberry. Support for this amendment can be found throughout the specification and claims as originally filed, including, for example, at page 3, lines 6-12. No new matter has been added by way of the foregoing amendments. Accordingly, Applicants request that the amendments to the claims be entered.

The foregoing amendments have been made solely for the purpose of expediting prosecution of the present application and should in no way be construed as acquiescence to any of the Examiner's rejections in this or in any former Office Action issued in the application. Applicants reserve the right to pursue the subject matter of the present claims prior to entry of the amendments set forth herein in this application or in another related application.

In view of the foregoing claim amendments and the arguments set forth below, Applicants respectfully submit that the claims are in condition for allowance.

Rejection of Claims 11, 14, 21-25 and 27-32 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 11, 14, 21-25 and 27-32 under 35 U.S.C. § 102(b) as allegedly being anticipated by Camire *et al.* In particular, the Examiner asserts that Camire *et al.* teaches a cranberry juice composition to which cinnamic acid has been added as a preservative in quantities of 3 mg/100 mL, 6 mg/100 mL, and 9 mg/100 mL. The Examiner concludes that "[t]he Office does not have the ability to analyze the Tomah presscake to determine exactly how much cinnamic acid is present. Thus, for the sake of examination, any cranberry extract product that is enriched in cinnamic acid is assumed to contain more cinnamic acid than found in Tomah presscake." (See Office Action, page 3).

Applicant respectfully disagrees. However, solely in the interest of expediting examination, Applicant has amended claims 11 and 27, and claims depending therefrom, to specify a composition comprising ***decharacterized cranberry*** enriched for cinnamic acid, wherein

cinnamic acid is present in a greater amount than that found in a cranberry Tomah presscake. Decharacterized cranberry, as taught by the specification, is *fruit from which the juice has been extracted* (see, for example, page 6, lines 1-2 of the specification). As such, the *cranberry juice* taught by Camire *et al.* does not anticipate the claimed invention. Camire *et al.* does not teach or suggest a *decharacterized cranberry* composition enriched for cinnamic acid, as required by the claims. Accordingly, the claimed compositions are not anticipated by the Camire *et al.*, as Camire *et al.* does not teach each and every element of the claims.

Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims under 35 U.S.C. § 102(b).

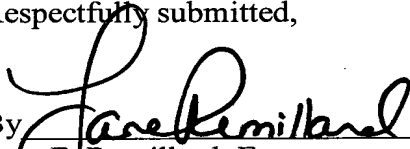
CONCLUSION

In view of the foregoing amendments and remarks, reconsideration and withdrawal of all rejections and allowance of all pending claims is respectfully requested. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Applicants believe no fee is due with this Response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. OSJ-002RCE4, from which the undersigned is authorized to draw.

Dated: November 11, 2008

Respectfully submitted,

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